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**From:** Disbennett, Patrick Brett <DisbennettPa@sec.gov>  
**Sent:** Friday, February 14, 2025 3:45 PM  
**To:** Lewis, Jason <jason.lewis@us.dlapiper.com>; Jessica.Magee@hklaw.com  
**Subject:** RE: SEC v. Brda

 EXTERNAL MESSAGE

Jason –

As discussed today, here's our position on your motion.

First, we wanted to highlight that the press release issued seven months ago when we filed the complaint noted that a “separate Commission investigation regarding subsequent events related to Meta Materials (MMTLP) remains ongoing.” [SEC.gov | John Brda and Georgios Palikaras](#). We continue to maintain that the MMTLP investigation concerns events “subsequent” to the events at issue in the complaint in this case, and that the investigation is being conduct for the sole purpose of investigating possible violations that are not alleged in the complaint.

We are opposed to your motion that we first discussed on Wednesday. But as a compromise and to avoid unnecessary motion practice, here is what we propose:

- To avoid the need for the court to resolve your request to exclude evidence from the MMTLP investigation, we agree not to affirmatively use any evidence gathered in the MMTLP investigation in this lawsuit.
- You have also indicated you intend to ask the court to compel the SEC to produce all evidence gathered from the MMTLP investigation, regardless of its relevance or discoverability in this case. We cannot agree to that, but we can agree to produce evidence gathered in the MMTLP investigation that is discoverable in this case and responsive to any reasonable and proportional discovery requests you serve. In other words, we would not object to producing evidence solely on the grounds that it was from the MMTLP investigative file, and we would not object to you using evidence obtained in discovery simply because it came from the MMTLP investigation. However, if any Defendant uses evidence obtained in discovery from the MMTLP investigation, we reserve the right to (i) object on relevance or other grounds and/or (ii) introduce related evidence from the MMTLP investigation that has been produced in discovery for optional completeness or to rebut or respond to evidence from the MMTLP investigation offered by any Defendant.

Since we discussed this on our call today, no need to confer further if you intend to go forward with filing your motion. But if you wanted to discuss further, let me know.

**EXHIBIT**  
**B**

Thanks,  
Pat

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**From:** Lewis, Jason <[jason.lewis@us.dlapiper.com](mailto:jason.lewis@us.dlapiper.com)>  
**Sent:** Wednesday, February 12, 2025 1:55 PM  
**To:** [Jessica.Magee@hklaw.com](mailto:Jessica.Magee@hklaw.com); Disbennett, Patrick Brett <[DisbennettPa@sec.gov](mailto:DisbennettPa@sec.gov)>  
**Subject:** Re: SEC v. Brda

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Just now landing. Will circulate something when I get to hotel.

Jason S. Lewis  
DLA Piper LLP

Please excuse typos and autocorrect

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**From:** [Jessica.Magee@hklaw.com](mailto:Jessica.Magee@hklaw.com) <[Jessica.Magee@hklaw.com](mailto:Jessica.Magee@hklaw.com)>  
**Sent:** Wednesday, February 12, 2025 2:31:50 PM  
**To:** Disbennett, Patrick Brett <[DisbennettPa@sec.gov](mailto:DisbennettPa@sec.gov)>; Lewis, Jason <[jason.lewis@us.dlapiper.com](mailto:jason.lewis@us.dlapiper.com)>  
**Subject:** Re: SEC v. Brda

 EXTERNAL MESSAGE

If we are doing 3pm today can someone send a link? I'll be stepping out of another meeting away from my desk to join and don't want to be scrambling. Thanks!

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**From:** Disbennett, Patrick Brett <[DisbennettPa@sec.gov](mailto:DisbennettPa@sec.gov)>  
**Sent:** Wednesday, February 12, 2025 10:18:31 AM  
**To:** Lewis, Jason <[jason.lewis@us.dlapiper.com](mailto:jason.lewis@us.dlapiper.com)>  
**Cc:** Magee, Jessica B (DAL - X61375) <[Jessica.Magee@hklaw.com](mailto:Jessica.Magee@hklaw.com)>  
**Subject:** RE: SEC v. Brda

*[External email]*

Jason, sorry, other conflicts this morning, but have availability 2:00-3:30 this afternoon. I'll be in a depo tomorrow but could also talk after that ends (I'm guessing by 4 or 5PM). I'm also obviously free to talk at our scheduled call on Friday.

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**From:** Lewis, Jason <[jason.lewis@us.dlapiper.com](mailto:jason.lewis@us.dlapiper.com)>  
**Sent:** Tuesday, February 11, 2025 4:43 PM  
**To:** Disbennett, Patrick Brett <[DisbennettPa@sec.gov](mailto:DisbennettPa@sec.gov)>  
**Cc:** [Jessica.Magee@hklaw.com](mailto:Jessica.Magee@hklaw.com)  
**Subject:** SEC v. Brda

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Pat,

Do you have a few minutes in the morning or later in the afternoon tomorrow to confer on a Motion to Exclude Improperly Obtained Evidence that we plan to file with the Court. I am on a flight and in transit from 10:45am until 2:30pm cst. Thanks.

**Jason S. Lewis**

Partner and U.S. Chair - Securities Enforcement & Regulation Group

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